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6-6-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Atkinson, et al.

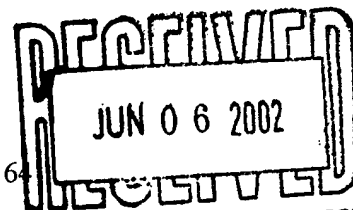
Application No.: 09/753,073

Filed: December 29, 2000

For: METHOD, APPARATUS, AND SYSTEM
FOR VARYING AN AWARD
VOLUME IN AN AUCTION

Group Art Unit: 2164

Examiner: Unassigned



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Technology Center 2100

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Name Kim R. Jessum Signature *Kim R. Jessum* Date of Deposit May 30, 2002

In compliance with 37 C.F.R. § 1.98(a), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) are provided.

U.S. Patents

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<u>Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
3,863,060	01/28/75	Rode, et al.
4,597,045	06/24/86	Kiuchi
4,799,156	01/17/89	Shavit
5,629,982	05/13/97	Micali
5,640,569	06/17/97	Miller, et al.
5,799,285	08/25/98	Klingman
5,803,500	9/8/98	Mossberg
5,809,483	9/15/98	Broka, et al.
5,826,244	10/20/98	Huberman
5,832,496	11/3/98	Anand, et al.
5,835,896	11/10/98	Fisher, et al.
5,862,223	1/19/99	Walker, et al.
5,890,138	3/30/99	Godin, et al.
5,897,621	4/27/99	Boesch, et al.
5,905,974	5/18/99	Fraser, et al.
5,905,975	5/18/99	Ausubel
5,915,209	6/22/99	Lawrence
5,966,699	10/12/99	Zandi
6,014,627	1/11/00	Togher, et al.
6,021,398	2/1/00	Ausubel

6,023,685	2/8/00	Brett, et al.
6,044,363	3/28/00	Mori, et al.
6,055,518	4/25/00	Franklin, et al.
6,058,379	5/2/00	Odom, et al.
6,061,663	5/9/00	Bloom, et al.
6,078,906	6/20/00	Huberman
6,119,229	9/12/00	Martinez, et al.
6,151,589	11/21/00	Aggarwal, et al.
6,161,099	12/12/00	Harrington, et al.
6,199,050	3/6/01	Alaia, et al.
6,266,652	7/24/01	Godin, et al.

Foreign Patents

<u>Publication No.</u>	<u>Publication Date</u>	<u>Country</u>
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WO 98/34187	8/6/98	WIPO
WO 99/63461	12/9/99	WIPO
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410078992A	3/98	JP

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"BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture", Business Wire, p5150152, May 15, 1995

"FairMarket Launches New Self-Serve Auctions." Business Wire, p6161495, June 16, 1998

Lee, "Do electronic marketplaces lower the price of goods?", Communications of the PCM,

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"Moai Technologies Introduces New categories of Business to Business Auction Software..",
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Kikuchi, et al., "Multi-Round Anonymous Auction Protocols", IEICE Trans. Inf. & Syst.,
vol.E82-D, No.4, April 1999

"Online bidding software", Electronic Buyers' News, 08/25/97 Issue 1072, p86, 1/6p

Sairamesh, et al., "Economic Framework for Pricing and Charging Digital Libraries", D-Lip
Magazine, February 1996

"Sold!...To the Lowest Bidder", Computer Finance, v6, n2 July 1995

"Venture Capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe,
January 14, 1998

Vigoroso, "Buyers prepare for brave new world of e-commerce." Purchasing, v126, n6, pS4(1),
April 22, 1999.

Von der Fehr, et al., "Predatory bidding in sequential auctions", Oxford Economics Papers, v46,
n3, p345(12) July 1994

"What you need to know to bid in FCC's narrowband auction" Washington Telecom News, v2,
n26, p6(2), June 27, 1994

Further, in compliance with 37 C.F.R. § 1.98(d), copies of the patents and publications
set forth below and listed on the attached Form PTO-1449 (3 sheets) have not been provided
because they were cited in parent application no. 09/252,790, filed on February 19, 1999, now
U.S. Patent No. 6,230,146, issued May 18, 2001 or in application no. 09/490,877, filed on
January 24, 2000.

U.S. Patents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
3,581,072	5/25/71	Nymeyer
4,674,044	6/16/87	Kalmus, et al.
4,789,928	12/6/88	Fujisaki
4,845,625	7/4/89	Stannard
4,992,940	2/12/91	Dworkin
5,136,501	8/4/92	Silverman, et al.

5,193,056	3/9/93	Boes
5,243,515	9/7/93	Lee
5,297,032	3/22/94	Trojan, et al.
5,375,055	12/20/94	Togher, et al.
5,394,324	2/28/95	Clearwater
5,402,336	3/28/95	Spiegelhoff, et al.
5,606,602	2/25/97	Johnson, et al.
5,664,115	9/2/97	Fraser
5,684,963	11/4/97	Clement
5,689,652	11/18/97	Lupien, et al.
5,715,402	2/3/98	Popolo
5,727,165	3/10/98	Ordish, et al.
5,758,327	5/26/98	Gardner, et al.
5,758,328	5/26/98	Giovannoli
5,765,138	6/9/98	Aycock, et al.
5,774,873	6/30/98	Berent, et al.
5,794,207	8/11/98	Walker, et al.
5,794,219	8/11/98	Brown
5,797,127	8/18/98	Walker, et al.
5,799,151	8/25/98	Hoffer
5,802,502	9/1/98	Gell, et al.

Foreign Patents

Publication No.
WO 97/37315

Publication Date
10/9/97

Country
WIPO

Other Publications

Malone, et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II (May-June, 1989)

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Auction Port, "Online Auction Community - New Auctions Since 9/2/98" (7/98)

OnSale, "How to Play" (1998)

u-Auction-It™ (1997)

Freemarkets Online™, "Homepage" (1998)

Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998

Associated Press, "Auction on Web is Buyer's Market", April 6, 1998

Steinert-Threlkeld, "New Watchwords: Let Sellers Beware", June 1, 1998

Woolley, "E-muscle", March 9, 1998

Associated Press, "FreeMarkets Takes Auction on Internet", February 23, 1998

Jahnke, "How Bazaar" (8/27/98)

Wilder, "What's Your Bid? -- FreeMarkets' real-time online bidding technology lets clients drive down costs and improve product value", November 10, 1997, InformationWeek

Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System" Communications of the ACM, No. 1 (January 29, 1986)

Danny Cohen, "Computerized Commerce" Information Processing 89 (August 28-September 1, 1989)

Applicants respectfully request that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 (3 sheets) with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any patent, publication or other

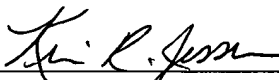
information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

May 30, 2002
Date

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number 09/753,073
 Filing Date December 29, 2000
 First Named Inventor Atkinson et al.
 Group Art Unit 2164
 Examiner Name Unassigned
 Attorney Docket Number 046700-5045

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U.S. PATENT DOCUMENTS

Exr Initial	U.S. Patent Document Number	Kind Code (if known)	Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	3,581,072		Nymeyer	5/25/71
	3,863,060		Rode et al.	1/28/75
	4,597,045		Kiuchi	6/24/86
	4,674,044		Kalmus et al.	6/16/87
	4,789,928		Fujisaki	12/6/88
	4,799,156		Shavit et al.	1/17/89
	4,845,625		Stannard	7/4/89
	4,992,940		Dworkin	2/12/91
	5,136,501		Silverman et al.	8/4/92
	5,193,056		Boes	3/9/93
	5,243,515		Lee	9/7/93
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	5,394,324		Clearwater	2/28/95
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	5,606,602		Johnson et al.	2/25/97
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	5,640,569		Miller et al.	6/17/97
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	5,684,963		Clement	11/4/97
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	5,774,873		Berent et al.	6/30/98
	5,794,207		Walker et al.	8/11/98
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	5,799,151		Hoffer	8/25/98
	5,799,285		Klingman	8/25/98
	5,802,502		Gell et al.	9/1/98
	5,803,500		Mossberg	9/8/98
	5,809,483		Broka et al.	9/15/98
	5,826,244		Huberman	10/20/98
	5,832,496		Anand et al.	11/3/98
	5,835,896		Fisher et al.	11/10/98
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	5,890,138		Godin et al.	3/30/99
	5,897,621		Boesch et al.	4/27/99
	5,905,974		Fraser et al.	5/18/99
	5,905,975		Ausubel	5/18/99
	5,915,209		Lawrence	6/22/99
	5,966,699		Zandi	10/12/99
	6,014,627		Togher et al.	1/11/00
	6,021,398		Ausubel	2/1/00

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	6,058,379		Odom et al.	5/2/00
	6,061,663		Bloom et al.	5/9/00
	6,078,906		Huberman	6/20/00
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	6,151,589		Aggarwal et al.	11/21/00
	6,161,099		Harrington et al.	12/12/00
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FOREIGN PATENT DOCUMENTS

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	Country Code	Number	Kind Code (if known)			
	EP	0399850A			11/28/90	
	WIPO	WO 92/15174			9/3/92	
	WIPO	WO 97/37315			10/9/97	
	WIPO	WO 98/34187			8/6/98	
	WIPO	WO 99/63461			12/9/99	
	JP	409101994A			4/97	
	JP	410078992A			3/98	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exr Initials	Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ₁
	"BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture", Business Wire, p5150152, May 15, 1995	
	"FairMarket Launches New Self-Serve Auctions." Business Wire, p6161495, June 16, 1998	
	Lee, "Do electronic marketplaces lower the price of goods?", Communications of the PCM, v41n1 pp 73-80 Jan 1998	
	"Moai Technologies Introduces New categories of Business to Business Auction Software.", Business Editors and Computer writers, March 16, 1998	
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"Venture Capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe, January 14, 1998

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